

FILED
7/2/21 8:17 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

KIMBERLY E. WATSON,
Debtor.

: Case No. 17-23555-TPA
: Chapter 13
:
: Related to Doc. No. 136
:
:
: Hearing: Aug. 11, 2021 at 11:00 A.M.

ORDER

On June 30, 2021, The Bank of New York Mellon filed a ***Response to Notice of Final Cure Payment*** (“Response”) (Doc. 136) stating the Debtor has not been current on all postpetition payments. The *Response* will be scheduled for a status conference, however, the Court notes that a response filed without a reasonable basis may result in the issuance of an order to show cause requiring the applicable Parties to appear in Erie, PA, under threat of possible sanctions for said filing. The Court has found that creditors continue to file these responses without proper due diligence, which not only wastes the Court’s time but incurs unnecessary expenses and hardship for the Chapter 13 Trustee and Debtor. *Fed.R.Bank.Proc. 9011* requires attorney’s pleadings to be based on a reasonable inquiry. Filing these responses as a means to obtain a further audit, among other things, from the Trustee is not a reasonable inquiry.

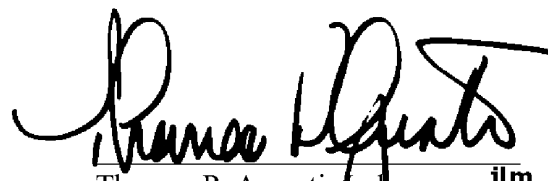
AND NOW, this *1st* day of ***July, 2021***, for the reasons stated above, it is hereby ***ORDERED, ADJUDGED, and DECREED*** that:

(1) A ***status conference*** on the ***Response to Notice of Final Cure Payment*** (Doc. 136) is scheduled for ***August 11, 2021 at 11:00 A.M.*** to be held by the ***Zoom Video Conference Application***. The Parties must comply with Judge Agresti’s ***Amended Notice of***

Temporary Modification of Appearance Procedures, dated and effective June 10, 2020, which can be found on the Court's website at <https://www.pawb.uscourts.gov/sites/default/files/pdfs/tpa-proc-appearances.pdf>

(2) **Initializing Zoom Hearing:** To join the Zoom hearing please initiate and use the following link at least 15 minutes prior to the scheduled hearing time: <https://www.zoomgov.com/j/16021303488>, or use the following Meeting ID: 160 2130 3488. For questions regarding the connection contact Judge Agresti's Staff Attorney at 814-464-9781.

(3) If the appropriate due diligence required under *11 U.S.C. § 1322(b)(5)* is not exercised in any response to the Trustee's *Notice of Final Cure*, it will result in an order being issued, requiring the person who filed the response, the Lender's Chief Executive Officer, and the head of the Lender's bankruptcy department to personally appear in Erie, PA and show cause as to why said parties should not be sanctioned, including but not limited to a monetary sanction and/or denial of its claim, for running afoul of *Fed.R.Bankr.Proc. 9011* by failing to properly investigate its claim before filing a response.


Thomas P. Agresti, Judge jlm
United States Bankruptcy Court

Case Administrator to serve:
Karen Maxcy, Esq.
Brian Thompson, Esq.
Ronda Winnecour, Chapter 13 Trustee
Debtors

In re:
Kimberly E. Watson
Debtor

Case No. 17-23555-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jul 02, 2021

User: jmar
Form ID: pdf900

Page 1 of 2
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 04, 2021:

Recip ID	Recipient Name and Address
db	+ Kimberly E. Watson, 810 GARDEN CITY DR, Monroeville, PA 15146-1118
	+ Karen A. Maxcy, McCalla Raymer Leibert Pierce, LLC, 1544 Old Alabama Road, Roswell, GA 30076-2102

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 04, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 2, 2021 at the address(es) listed below:

Name	Email Address
Andrew M. Lubin	on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE (CWABS 2006-BC5) alubin@milsteadlaw.com, bkecf@milsteadlaw.com
Brian Nicholas	on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE (CWABS 2006-BC5) bnicholas@kmlawgroup.com
Brian C. Thompson	on behalf of Debtor Kimberly E. Watson bthompson@ThompsonAttorney.com blemon@thompsonattorney.com;bthompson@ecf.courtdrive.com;jcastello@thompsonattorney.com;kfinke@thompsonattorney.com
Matthew Christian Waldt	on behalf of Creditor Bayview Loan Servicing LLC mwaldt@milsteadlaw.com bkecf@milsteadlaw.com
Matthew Christian Waldt	

District/off: 0315-2

User: jmar

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on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE (CWABS
2006-BC5) mwaltdt@milsteadlaw.com, bkecf@milsteadlaw.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 8